

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11

Date: 8 October 2014

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Cuno Tarfusser
Judge Olga Herrera Carbuca

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public

**Decision on the "Requête urgente aux fins de fixation d'une nouvelle date
d'audience portant sur le réexamen des conditions de maintien en détention"**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Eric MacDonald

Counsel for Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber I ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo*, having regard to Articles 60(3), 61(11) and 67 of the Rome Statute ('Statute') and Rule 118(2) and (3) of the Rules of Procedure and Evidence ('Rules'), issues the following 'Decision on the "Requête urgente aux fins de fixation d'une nouvelle date d'audience portant sur le réexamen des conditions de maintien en détention"'.

1. On 1 May 2012, the Defence submitted the 'Defence application for the interim release of President Gbagbo' ('Defence request for interim release').¹
2. On 13 July 2012, Pre-Trial Chamber I ('Pre-Trial Chamber') rejected the Defence request for interim release.² The Defence's appeal against this decision was rejected by the Appeals Chamber on 26 October 2012.³
3. On 30 October 2012, the Pre-Trial Chamber held a first hearing on detention pursuant to Rule 118(3) of the Rules.⁴
4. On a regular basis thereafter, the Pre-Trial Chamber reviewed its ruling on detention and decided, in each instance, that Mr Gbagbo shall remain in detention.⁵

¹ Defence, Defence application for the interim release of President Gbagbo, ICC-02/11-01/11-105-Conf-tENG and confidential annexes.

² Decision on the "Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo, 13 July 2012, ICC-02/11-01/11-180-Conf.

³ Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled "Decision on the 'Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo'", 26 October 2012, ICC-02/11-01/11-278-Conf (public redacted version at ICC-02/11-01/11-278-Red).

⁴ ICC-02/11-01/11-T-9-ENG ET; ICC-02/11-01/11-T-10-CONF-EXP-ENG ET.

⁵ Decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 12 November 2012, ICC-02/11-01/11-291; Second decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 12 March 2013, ICC-02/11-01/11-417-Conf; Third decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 11 July 2013, ICC-02/11-01/11-454; Fourth decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 11 November 2013, ICC-02/11-01/11-558; Fifth decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 12 March 2014, ICC-02/11-01/11-633; Sixth decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 11 July 2014, ICC-02/11-01/11-668. *See also*, Judgment on the appeal of Mr Laurent Gbagbo against the decision of Pre-Trial Chamber I of 11 July 2013 entitled "Third decision on the review of Laurent Gbagbo's detention pursuant to

5. On 9 October 2013, the Pre-Trial Chamber held a second hearing on detention pursuant to Rule 118(3) of the Rules.⁶
6. On 7 October 2014, after having informed the parties and participants by email,⁷ this Chamber issued an order scheduling a third hearing on detention on 9 October 2014, pursuant to Rule 118 (3) of the Rules.⁸
7. On the same date, the defence for Mr Gbagbo ('Defence') filed its 'Requête urgente aux fins de fixation d'une nouvelle date d'audience portant sur le réexamen des conditions de maintien en détention' ('Request'),⁹ requesting that the hearing scheduled on 9 October 2014 be postponed.
8. On 8 October, the Office of the Prosecutor ('Prosecution') filed its 'Prosecution's Response to « Requête urgente aux fins de fixation d'une nouvelle date d'audience portant sur le réexamen des conditions de maintien en détention »', informing the Chamber that it did not oppose the Request.¹⁰
9. On the same date, the Legal Representative of victims informed the Chamber that it did not intend to respond to the Request.¹¹
10. The Chamber recalls that, under Rule 118(3) of the Rules, a hearing must be held at least once every year to review pre-trial detention. As requested by the Defence¹² and in conformity with Article 21 (3) of the Statute, the Chamber is of the view that this provision of the Rules enshrines minimum standards for

article 60(3) of the Rome Statute", 29 October 2013, ICC-02/11-01/11-548-Conf (public redacted version at ICC-02/11-01/11-548-Red).

⁶ ICC-02/11-01/11-T-22-CONF-FRA ET; ICC-02/11-01/11-T-23-CONF-EXP-ENG ET.

⁷ Email from Legal Officer of the Chamber to parties and participants, 7 October 2014, 11.25. The parties and participants responded by way of email.

⁸ Order scheduling a hearing pursuant to Rule 118(3) of the Rules of Procedure and Evidence, 7 October 2014, ICC-02/11-01/11-688.

⁹ Defence, Requête urgente aux fins de fixation d'une nouvelle date d'audience portant sur le réexamen des conditions de maintien en détention, 7 October 2014, ICC-02/11-01/11-689.

¹⁰ Prosecution, Prosecution's Response to « Requête urgente aux fins de fixation d'une nouvelle date d'audience portant sur le réexamen des conditions de maintien en détention », 8 October 2014, ICC-02/11-01/11-691.

¹¹ Email from OPCV to Chamber, 8 October 2014, 11.09.

¹² Request, para. 11.

the respect of the accused's rights. The Chamber notes that neither the Counsel, Co-Counsel nor Legal Assistant is available to be present for the hearing on the 9 October 2014.¹³ The Chamber also notes that Mr Gbagbo gave his personal agreement to postponement of the hearing.¹⁴

11. The Chamber further recalls that, pursuant to Rule 118(2) of the Rules, a Chamber shall review its ruling on pre-trial detention every 120 days¹⁵ and further notes that, on 11 November 2014, Mr Gbagbo will have spent 120 days in detention since the last review by the Pre-Trial Chamber.¹⁶ Hence, in order to assist in the forthcoming review of Mr Gbagbo's detention and to facilitate the discussion held during the hearing on detention, the Chamber requests the Prosecution, the Defence and the Legal Representative of victims to make written submissions on the matter, pursuant to Rule 118(2) and (3) of the Rules.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the Request;

POSTPONES the hearing pursuant to Rule 118(3) of the Rules, scheduled for 9 October 2014, to 4 November 2014 following the Chamber's first status conference;

INSTRUCTS the Prosecution and the Legal Representative of victims to file any observations pursuant to Rule 118(2) and (3) of the Rules no later than 16.00 on 20 October 2014;

¹³ Request, paras 8-10.

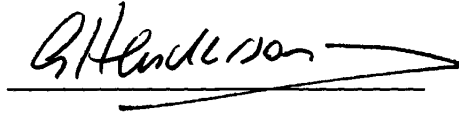
¹⁴ Request, para. 11.

¹⁵ *See also*, Trial Chamber III, Transcript of Hearing, 8 December 2009, ICC-01/05-01/08-T-18-Red-ENG, page 24 lines 14-17.

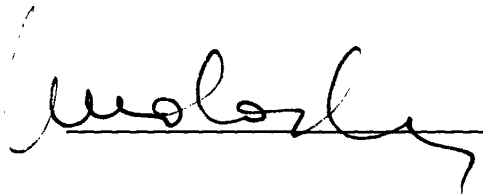
¹⁶ *See*, Sixth decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute, 11 July 2014, ICC-02/11-01/11-668.

INSTRUCTS the Defence to file any observations pursuant to Rule 118(2) and (3) of the Rules no later than 16.00 on 27 October 2014.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to read 'G. Henderson', written over a horizontal line.

Judge Geoffrey Henderson, Presiding Judge

A handwritten signature in black ink, appearing to read 'C. Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser

A handwritten signature in black ink, appearing to read 'O. Herrera Carbuca', written over a horizontal line.

Judge Olga Herrera Carbuca

Dated 8 October 2014

At The Hague, The Netherlands